

Notice of Allowability

Application No.

10/633,813

Examiner

Kim-Kwok CHU

Applicant(s)

NISHIUCHI ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on May 2, 2007 and Amendment filed on May 17, 2007.
2. ☒ The allowed claim(s) is/are 1-4, 6-9, 14, 19 and 21-23 which are renumbered as 1-13 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/702,204.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Continued Examination after Final Rejection

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2, 2007 has been entered.

Allowable Subject Matter

2. Claims 1-4, 6-9, 14, 19 and 21-23 are allowable over prior art.

3. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on the Supplemental Preliminary Amendment filed on May 17, 2007:

As in claim 1, the prior art of record fails to teach or fairly suggest an optical recording medium having the following features:

(a) an address section comprising first and second address pit sequences formed between the recording tracks along an information reading direction of the recording tracks, the recording tracks divided into a prescribed number of zones;

(b) each of the recording tracks having a first center line extending along the information reading direction, and the first and second address pit sequences each having a respective center axis extending along the information reading direction; and

(c) the first and second address pit sequences being disposed equidistantly from and on opposing sides of a second center line of the address section, the second center line extending along the information reading direction, wherein in each of the zones, the second center line is shifted in a radial direction of the disc, with respect to the first center line to form a predetermined offset, and the second center line is positioned in extension of a guide groove contained in each of the recording tracks in which the first center line is provided.

As in claim 19, the prior art of record fails to teach or fairly suggest an optical recording medium having the following features:

(a) an address section comprising first and second address pit sequences formed between the recording tracks along an information reading direction of the recording tracks;

(b) the recording tracks divided into a prescribed number of zones, each of the recording tracks having a first center line extending along the information reading

direction, and the first and second address pit sequences each having a respective center axis extending along the information reading direction disposed equidistantly from and on opposing sides of a second center line of the address section, the second center line extending along the information reading direction, wherein in each of the zones, the second center line is shifted in a radial direction of the disc, with respect to the first center line to form a predetermined offset;

(c) the predetermined offset is a radial shift substantially equal in amount and opposite in direction to a radial shift between third and fourth center lines measured on a calibration substrate; and

(d) the third center line defined by a center of an address section on the calibration substrate, and the fourth center line defined by a center line of a recording track on the calibration substrate.

As in claim 21, the prior art of record fails to teach or fairly suggest an optical recording medium having the following steps:

(a) forming an address section having first and second address pit sequences between the recording tracks along an Information reading direction of the recording tracks;

(b) dividing the recording tracks into a prescribed number of zones, each recording track having a first center

line extending along the information reading direction; and

(c) forming the first and second address pit sequences each having a respective center axis extending along the information reading direction, the first and second address pit sequences being disposed equidistantly from and on opposing sides of a second center line of the address section, the second center line extending along the information reading direction and offset from the first center line, wherein the second center line is positioned in extension of a guide groove contained in each of the recording tracks in which the first center line is provided.

As in claim 22, the prior art of record fails to teach or fairly suggest an optical recording medium having the following steps:

(a) forming an address section having first and second address pit sequences between the recording tracks along an information reading direction of the recording tracks;

(b) dividing the recording tracks into a prescribed number of zones, each recording track having a first center line extending along the information reading direction; and

(c) forming the first and second address pit sequences each having a respective center axis extending along the information reading direction disposed equidistantly from and on Opposing sides of a second center line of the address section, the second center line extending along the

Information reading direction and offset from the first center line; and

(d) determining the amount and direction of the offset using a calibration substrate.

As in claim 23, the prior art of record fails to teach or fairly suggest an optical recording medium having the following steps:

(a) forming an address section having first and second address pit sequences between the recording tracks along an information reading direction of the recording tracks;

(b) dividing the recording tracks into a prescribed number of zones, each recording track having a first center line extending along the information reading direction;

(c) determining the amount; and direction of a calibration offset; and

(d) forming the first and second address pit sequences each having a respective center axis extending along the information reading direction disposed equidistantly from and on opposing sides of a second center line of the address section, the second center line extending along the information reading direction and offset from the first center line, in the same amount and in opposite direction of the calibration offset.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor

made obvious over, the prior art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shihara et al. (6,381,201) is pertinent because Shihara teaches a recording having an address bit sequences.

Takamine et al. (6,567,372) is pertinent because Takamine teaches a recording having an address bit sequences.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington, can be reached on (571) 272-4483.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU
KE *5/21/2007*
Examiner AU2627
May 21, 2007
(571) 272-7585


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER